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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/646,733	01/11/2002	John Stanbury Luscombe	645-10/ C/JL	6079

7590 12/09/2003
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CANADA

EXAMINER

LAWRENCE JR, FRANK M

ART UNIT PAPER NUMBER

1724

DATE MAILED: 12/09/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/646,733

Applicant(s)

LUSCOMBE, JOHN STANBURY

Examiner

Frank M. Lawrence

Art Unit

1724

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-16 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-16 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. ____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). ____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) ____ 6) ☐ Other:

DETAILED ACTION

Specification

1. The disclosure is objected to because of the following informalities: applicant is requested to amend the specification to include a paragraph claiming priority to the international application as the first sentence.

Appropriate correction is required.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 1, 2, 6, 8, 9-11, 15 and 16 are rejected under 35 U.S.C. 102(e) as being anticipated by Story (6,146,524).
4. Story '524 teaches an ozone water disinfection and dispensing system, comprising a water inlet (104) connected to a water supply, an ozone contact sanitizing vessel (120) in communication with the inlet, a drinking water reservoir (140) connected below the sanitizing vessel via a pipeline and a valve (130), upper and lower level limit sensors (240, 244) in the reservoir for signaling a controller to open or close the valve for supplying sanitized water to the reservoir, several drain outlets for draining water from the reservoir, and a second valve (276)

that will prevent a backflow of water from the system into the water supply (see figure 1; col. 6, line 65 to col. 7, line 7; col. 7, line 66 to col. 8, line 23).

5. Claims 1, 2, 6-11, 15 and 16 are rejected under 35 U.S.C. 102(b) as being anticipated by Valadez (4,969,991).

6. Valadez '991 teaches an ozone water disinfection and dispensing system, comprising a water inlet (18) connected to a water supply, an reverse osmosis unit (20) and UV sanitizing vessel (32) in communication with the inlet, a water reservoir (140) connected below the sanitizing vessel via a pipeline and a valve (28), level sensors (52) in the reservoir for signaling a controller to prevent or allow the supply of sanitized water to the reservoir via the valves, a drain (60) that drains excess sanitized water from the sanitizing vessel, outlet drains (34, 70) for draining water from the reservoir, and check valves (86) that will prevent a backflow of water from the system into the water supply (see figure 1; col. 4, lines 20-51; col. 5, lines 34-45; col. 6, lines 45-60; col. 7, lines 9-20, 37-40; col. 9, lines 1-15). The lower proximity of the reservoir will cause water to drain into it at least partially under the influence of gravity.

Claim Rejections - 35 USC § 103

7. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

8. Claims 3-5 and 12-14 are rejected under 35 U.S.C. 103(a) as being unpatentable over either one of Story '524 or Valadez '991 in view of Burrows (4,834,873).

9. Either one of Story '524 or Valadez '991 disclose all of the limitations of the claims except that a source of pressurized air connected to the reservoir via a solenoid operated air valve is used to dispense sanitized water from the reservoir. Burrows '873 discloses a purified water dispenser including a storage reservoir that is pressurized by air supplied using a control valve (84). It would have been obvious to one having ordinary skill in the art at the time of the invention to modify the system of either one of Story '524 or Valadez '991 by including a pressurized air supply connected to the reservoir by a valve in order to provide a means for dispensing purified water without the need for a liquid pump that could require a power source and maintenance. It is also submitted that one skilled in the art would use any common means to control the valve such as a solenoid that would be of benefit in automatically controlled systems.

Conclusion

10. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. The additional references listed on the attached PTO-892 form disclose water disinfecting and dispensing systems.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Frank M. Lawrence whose telephone number is 703-305-0585. The examiner can normally be reached on Mon-Thurs 7:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Blaine Copenheaver can be reached on 703-308-1261. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9310.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-0651.

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Frank M. Lawrence

Primary Examiner

Art Unit 1724

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Frank Lawrence

12-2-03